



**U.S. Department of Justice**

*United States Attorney  
Southern District of New York*

---

*86 Chambers Street  
New York, New York 10007*

June 2, 2021

The Honorable Sarah Netburn  
United States Magistrate Judge  
Thurgood Marshall United States Courthouse  
40 Foley Square  
New York, NY 10007

Re: In the Matter of Disclosure of Grand Jury Material in Connection with *In re Terrorist Attacks on September 11, 2001*, 03 MDL 1570 (S.D.N.Y.) (GBD) (SN)

Dear Judge Netburn:

We write to inform the Court that this afternoon the Government filed an additional petition under Federal Rule of Criminal Procedure 6(e), seeking authorization to disclose federal grand jury records to the parties subject to the FBI Protective Order. Because that petition contains information that is both subject to the FBI Protective Order and describes matters occurring before the grand jury, it has been filed in the 03 MDL 1570 docket *ex parte* and under seal. *See* Fed. R. Crim. P. 6(e)(6).

The Federal Bureau of Investigation ("FBI") has completed the supplemental searches that it committed to conduct in connection with the omnibus motion to compel. The FBI has determined, however, that certain of the records it has identified as responsive were obtained by federal grand jury subpoena, or otherwise discuss matters occurring before a federal grand jury. Although the records are described in more detail in the Government's Rule 6(e) petition, the records at issue largely consist of financial records, and one set of additional phone records. The Government does not object to the disclosure of these records pursuant to the FBI Protective Order.

We understand that the PECs will be separately submitting a letter this afternoon in support of the petition, for the purpose of making the necessary showing of "particularized need" under Rule 6(e)(3)(E)(i). *See, e.g., Douglas Oil Co. v. Petrol Stops Nw.*, 441 U.S. 211 (1979).

If the Court grants the petition, the FBI will be prepared to produce the grand jury records in short order, and no later tomorrow, June 3, 2021. Once this production is complete, other than certain records that constitute foreign government information, the FBI will have completed its processing of the records responsive to the Touhy request and subpoena, as limited by this Court's February 1, 2021 Opinion and Order.

Respectfully submitted,

AUDREY STRAUSS  
United States Attorney

By: /s/ Jeannette A. Vargas  
SARAH S. NORMAND  
JEANNETTE A. VARGAS  
Assistant United States Attorneys  
(212) 637-2709/2678